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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHN A. BAX,

12 v.
13 Plaintiff,

14 NANCY A. BERRYHILL, Deputy
15 Commissioner of Social Security for
16 Operations,

17 Defendant.

18 CASE NO. 3:17-cv-5245 JRC

19 ORDER ON UNOPPOSED
20 MOTION FOR EQUAL ACCESS
21 TO JUSTICE ACT FEES AND
22 EXPENSES

23 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
24 Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed before a United States Magistrate
1 Judge, Dkt. 6). This matter is before the Court on plaintiff's unopposed Motion for Equal Access
2 to Justice Act Fees and Expenses (*see* Dkts. 22, 23).

3 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's
4 unopposed motion (*see* Dkts. 22, 23), the attorney declaration and time and expense itemizations
5 (Dkt. 22-2), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of
6 \$8,338.39 and expenses in the amount of \$6.68, shall be awarded to plaintiff pursuant to the
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1 EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at
2 ***6-***7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for
4 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
5 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
6 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
7 be made payable to Eitan Kassel Yanich, based on plaintiff's assignment of these amounts to
8 plaintiff's attorney (*see* Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees,
9 Dkt. 21). If there is an offset, the remainder shall be made payable to plaintiff, based on the
10 practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any
11 check for EAJA fees shall be mailed to plaintiff's counsel, Eitan Kassel Yanich, at Law Offices
12 of Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia, WA 98501.

13 Dated this 31st day of July, 2018.

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16 J. Richard Creatura
17 United States Magistrate Judge
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